

Remarks

Reconsideration of this Application is respectfully requested. Claims 1-23 are pending in the application, of which claims 1, 9, 11, 14, and 16 are independent. Claims 1, 14, and 16 are sought to be amended. No new matter is embraced by this amendment and its entry is respectfully requested. Based on the above Amendment and the remarks set forth below, it is respectfully requested that the Examiner reconsider and withdraw all outstanding rejections.

Rejection under 35 U.S.C. § 102

The Examiner states, on page 2 of the Final Office Action, that claims 1-23 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,260,011 to Heckerman *et al.* (hereinafter "Heckerman"). Applicants respectfully traverse this rejection. Based on the remarks set forth below, Applicants respectfully request that this rejection be reconsidered and withdrawn.

To anticipate a claim of a pending application, a single reference must disclose each and every element of the claimed invention. *Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 1397 (Fed. Cir. 1986). The exclusion of a claimed element from the single source is enough to negate anticipation by that reference. *Atlas Powder Co. v. E.I. du Pont de Nemours & Co.*, 750 F.2d 1569, 1574 (Fed. Cir. 1984).

With respect to independent claim 1, the Examiner states that Heckerman teaches each and every element of these claims. Applicants respectfully disagree.

Contrary to the present invention, Heckerman does not teach or suggest every element of Applicants' invention. For example, referring to independent claim 1, Heckerman does not teach or suggest at least the following claimed element: "selecting a best match sentence endpoint based on a forced alignment score for each of the possible candidate sentence endpoints." Unlike the present invention, which selects a best match sentence endpoint based on a forced alignment score for each of the possible candidate sentence endpoints, Heckerman uses time stamps or other markers that can be used as pointers between the audio and text files to identify alignment points. *Heckerman*, col. 8, lines 24-33. In fact, Heckerman does not teach or suggest scoring possible candidate sentence endpoints, and therefore cannot teach Applicants' element of "selecting a best match sentence endpoint based on a forced alignment score for each of the possible candidate sentence endpoints".

The Examiner states, on page 2 of the Final Office Action, that this element is taught in Heckerman "as globally aligning the text—Fig. 6, subblock 607." Applicants' respectfully disagree. Instead of forced alignment scoring possible candidate sentence endpoints and selecting a best match sentence endpoint based on the forced alignment score for each of the possible candidate sentence endpoints, Heckerman's globally aligning the text as shown in Fig. 6, subblock 607 is described by Heckerman as follows:

From step 606 of the audio/text synchronization program 308 operation proceeds to step 607 wherein the recognized text is aligned to the extent possible with the text in the text corpus. This may be accomplished by matching recognized words or sequences of recognized words in the recognized text to those found in the text corpus in such a manner that the number of matching words in the recognized text and text corpus is maximized.

.... Placement of the recognized text 706 side by side with the actual text 704 represents the global alignment of the actual and recognized text performed in step 607.

Heckerman, col. 11, lines 3-18.

Thus, Heckerman's globally aligning the text of step 607 is defined as "[p]lacement of the recognized text 706 side by side with the actual text 704." Heckerman, col. 11, lines 15-16. Therefore, unlike the present invention's element of "selecting a best match sentence endpoint based on a forced alignment score for each of the possible candidate sentence endpoints", the globally aligning of text from Heckerman does not involve forced alignment scoring.

For at least these reasons, Applicants respectfully submit that Heckerman does not teach each and every element of Applicants' claimed invention recited in independent claim 1. Independent claims 9, 11, 14, and 16 also includes a similar element to that recited in claim 1. Therefore, independent claims 1, 9, 11, 14, and 16, and the claims that depend therefrom (claims 2-8, 10, 12-13, 15, and 17-23, respectively), are patentable over Heckerman. Reconsideration and withdrawal of this rejection is respectfully requested.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all currently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Response is respectfully requested.

Respectfully submitted,

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